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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,136	11/20/2001	Ylian Saint-Hilaire	042390.P12982	9435

7590 04/06/2007

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EXAMINER	
PEYTON, TAMMARA R	
ART UNIT	**PAPER NUMBER**
2182	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/989,136	SAINT-HILAIRE ET AL.	
	Examiner	Art Unit	
	Tammara R. Peyton	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) *16-30 and 41-44* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 31-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15 and 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard, III, Golden G., Service Advertisement and Discovery: Enabling Universal Device Cooperation, IEEE Internet Computing, Sept-Oct 2000 (hereafter Golden).

As per claims 1-15 and 31-40, Golden teaches a method for controlling a remote device, comprising:

defining a service-specific protocol (UPnP, Bluetooth, Jini, etc.) to facilitate remote control of a service provided by the remote device;

sending data corresponding to the service provided by the remote device via a host-side software module running on a host computer in a format defined by the service-specific protocol from the host computer to the remote device over a network communication link;

sending control commands from the host computer to the remote device based on the service-specific protocol to cause the remote device to perform the service using the data that are sent to the remote device.

Golden teaches, on page 18, paragraphs 1-4 and page 19, the use of Universal Plug and play, Bluetooth, Jini, and Salutation for providing a user with a set of device descriptions and list of associated device services, which allow for selective retrieval of service descriptions, and allow for invoking the control actions via service specific protocols. Golden obviously teaches the use of UPnP for audio/video entertainment and the use of Universal Plug and Play for providing a user with a set of device descriptions, each conveying its capabilities, and a list of associated device services, which allow for selective retrieval of service descriptions via service specific protocols, Fig. 4, pgs. 23-24. Further, Applicant argues that Bluetooth or Jini does not implement service-specific protocols to facilitate remote control of a service provided by the remote device. Bluetooth's SDP specifically teaches service discovery wherein it defines a standard attribute ProtocolDescriptorList which enumerates appropriate protocols for communication with a service, page 20. It would have been obvious to one of ordinary skill that Bluetooth devices can form a 'network' comprising of a host device and a remote device wherein communication is implemented in a appropriate protocol format over the 'network' communication link, page 18. Jini also teaches service discovery that consists of services, lookup server, and clients. In order to discover a service of a client the lookup server uses a multicast request protocol to announce its presence on the network. (See Fig. 2, pg. 20 and Fig. 3, pg. 21) It would have been obvious It would have been obvious to one of ordinary skill that Jini teaches a discovery service for client devices on a 'network' comprising of a host client device and a remote service device

wherein communication is implemented in a appropriate service specific protocol over the network communication link.(pgs. 18-26)

Applicant further argues that Gordon fails to teach "sending data corresponding to the service provided by the remote device via a host-side software module running on a host computer in a format defined by the service-specific protocol from the host computer to the remote device over a network communication link," and also fails to teach or fairly suggest "sending control commands from the host computer to the remote device based on the service-specific protocol to cause the remote device to perform the service using the data that are sent to the remote device." Applicant argues that Gordon teaches pulling the information from the servers and not the claimed invention of pushing the specific content to a remote device. Examiner is taking the position that Gordon teaches the claim invention, because if Examiner agrees with Applicant about Gordon's pulling the information from the server, then the claim invention teaches sending data as well as receiving specific data from the remote devices. In other words, the claim invention does not specifically distinguish that is only "pushes" data but leaves open other interpretations of the claim invention whether the it only "pushes" data or is related to having data "pulled" from the servers. No where in the claim does it state that a pushing model is utilized; however, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. (**See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993), In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968)**)

Conclusion

Applicant's arguments are moot based on the current grounds of rejections.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a

general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

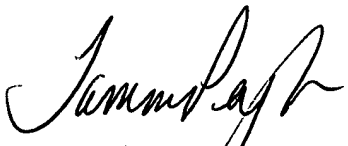
Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:
USTPO, Randolph Building, Customer Service Window
401 Dulany Street
Alexandria, VA 22314.



TAMMARA PEYTON
PRIMARY EXAMINER

Tammara Peyton
April 2, 2007